

# **EXHIBIT D**

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively  
Consolidated SIPA Liquidation of Bernard L. Madoff  
Investment Securities LLC and Bernard L. Madoff,

Plaintiff,

v.

DEFENDANTS IN ADVERSARY PROCEEDINGS  
LISTED ON EXHIBIT A ATTACHED HERETO,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. Nos. listed on Exhibit A  
Attached Hereto

**[PROPOSED] ORDER MODIFYING ORDER AUTHORIZING THE  
DEPOSITION OF JOANN CRUPI**

**WHEREAS**, on December 19, 2018, this Court entered an Order Authorizing the Deposition of Federal Prisoner Joann Crupi (ECF No. 18320) (“Crupi Deposition Order”) pursuant to a November 26, 2018 Motion and Memorandum of Law For Orders Authorizing the Depositions of Federal Prisoners Annette Bongiorno, Daniel Bonventre, and Joann Crupi (ECF No. 18236) filed by counsel to Irving H. Picard, trustee (“Trustee”) for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. § § 78aaa *et seq.*, and the estate of Bernard L. Madoff.

**WHEREAS**, the Crupi Deposition Order provided that the deposition would take place no later than February 28, 2019. *See* Crupi Deposition Order ¶ 2.

**WHEREAS**, since entering the Crupi Deposition Order, the Trustee has been working with all affected counsel to institute a uniform and final fact discovery deadline in all cases listed in Exhibit A of May 24, 2019 to permit additional parties to participate.

**WHEREAS**, on February 15, 2019 this Court issued a decision permitting, *inter alia*, the deposition of Crupi in 32 additional adversary proceedings (ECF No. 18480).

**WHEREAS**, the Crupi Deposition Order provided that Crupi was incarcerated at the Federal Prison Camp in Alderson, West Virginia, and the Trustee has since learned that Crupi is no longer incarcerated at that facility and instead is either housed with Residential Reentry Management (“RRM”) facility in Brooklyn, New York, or has been released from the reentry facility and is now under the supervision of a federal probation office.

It is hereby **ORDERED** that:

1. Paragraph 2 of the Crupi Deposition Order is hereby modified to direct (a) in the event that Crupi is housed in the RRM facility in Brooklyn, New York, the authorized supervisor of that facility to produce or allow Crupi, for purposes of being deposed, to appear at a location, date, and time acceptable to the supervisor but not later than May 24, 2019, or (b) in the event that Crupi has been released from the RRM facility, Crupi’s probation officer to allow Crupi, for purposes of being deposed, to appear at a location, date, and time acceptable to the probation officer but not later than May 24, 2019.

2. The Crupi Deposition Order is hereby modified to reflect that the Trustee will enter a separate order outlining additional defendants’ counsel, consistent with the Court’s

February 15, 2019 decision authorizing, *inter alia*, Crupi's deposition in 32 other adversary proceedings (ECF No. 18480).

3. Other than as set forth herein, nothing in this Order shall modify the Crupi Deposition Order, which remains in full force and effect.

4. This Court shall retain exclusive jurisdiction over the enforcement, implementation, and interpretation of this Order.

Dated: New York, New York  
\_\_\_\_\_, 2019

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HONORABLE STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE

# **EXHIBIT A**

Exhibit A: List of Adversary Proceedings

	<b>Adv. Pro. No.</b>	<b>Case Name</b>	<b>Counsel</b>
<b>1</b>	10-04341	Marden, et al.	Pryor Cashman LLP
<b>2</b>	10-04343	Patrice Auld, et al.	Pryor Cashman LLP
<b>3</b>	10-04348	Marden Family Limited Partnership, et al.	Pryor Cashman LLP
<b>4</b>	10-04361	Harvey L. Werner Revocable Trust, et al.	Bernfeld, DeMatteo & Bernfeld, LLP
<b>5</b>	10-04384	Lanx BM Investments, LLC, et al.	FisherBroyles
<b>6</b>	10-04417	The Lustig Family 1990 Trust, et al.	Binder & Schwartz LLP
<b>7</b>	10-04468	Ken-Wen Family Limited Partnership, et al.	Bernfeld, DeMatteo & Bernfeld, LLP Law Office of Mark S. Roher, P.A.
<b>8</b>	10-04554	David Ivan Lustig	Binder & Schwartz LLP
<b>9</b>	10-04561	Jeffrey R. Werner 11/1/98 Trust, et al.	Bernfeld, DeMatteo & Bernfeld, LLP
<b>10</b>	10-04592	Anthony E. Stefanelli	DelBello Donnellan Weingarten Wise & Wiederkehr LLP
<b>11</b>	10-05048	Estate of Armand L. Greenhall, et al.	Law Office of Joseph F. Keenan Lax & Neville, LLP
<b>12</b>	10-05118	Charlotte M. Marden	Pryor Cashman LLP
<b>13</b>	10-05168	Bernard Marden Profit Sharing Plan, et al.	Pryor Cashman LLP
<b>14</b>	10-05194	Bruce D. Pergament, et al.	Pryor Cashman LLP
<b>15</b>	10-05255	Stefanelli Investors Group, et al.	DelBello Donnellan Weingarten Wise & Wiederkehr LLP
<b>16</b>	10-05394	Richard M. Glantz, et al.	Law Office of Richard E. Signorelli Bryan Ha
<b>17</b>	10-05439	Avram J. Goldberg, individually and in his capacity as trust officer	Pryor Cashman LLP